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CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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 590-5071



Filed: October 1, 1999
 49th Day: November 19, 1999
 180th Day: March 29, 2000
 Staff: KFS-LB
 Staff Report: November 18, 1999
 Hearing Date: December 7-10, 1999
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-99-293

APPLICANTS: City of Newport Beach

PROJECT LOCATION: Slope facing upon Fernleaf Avenue and Bayside Drive at the intersection of Fernleaf Avenue and Dahlia Place, City of Newport Beach, Orange County

PROJECT DESCRIPTION: Excavation of a slope experiencing erosion and sloughing, flattening of the slope gradient, installation of a caisson wall at the top of the slope ranging in height above grade from 3 feet to 17 feet, installation of drainage devices and a debris wall at the toe of the slope, and landscaping. The subject site is an inland slope which does not face upon a beach or bay.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed development subject to five special conditions requiring 1) conformance with geotechnical recommendations, 2) identification of the location of a debris disposal site, 3) revised landscape and irrigation plans, 4) adherence to a color and texture plan to reduce visual impacts, and 5) use of construction best management practices. The major issues of this staff report are geologic hazards and visual impacts.

LOCAL APPROVALS RECEIVED: City of Newport Beach approval-in-concept no. 5300-99; Letter of No Comment dated July 12, 1999, from the California Department of Transportation to the City of Newport Beach.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach certified Land Use Plan; Coastal Development Permits 5-98-345 (Gerson Bakar & Associates); 5-99-036 (Gerson Bakar & Associates); *Mitigated Negative Declaration for Dahlia/Fernleaf Slope Repair* (SCH# 99061126) adopted by the Newport Beach City Council on August 9, 1999; *Geotechnical Investigation of Slope Distress Fernleaf Ramp, Corona Del Mar, California* (Job No. 84I-200-01) by Bagahi Engineering of Newport Beach, California dated November 17, 1998.

STAFF RECOMMENDATION:

Staff recommends that the Commission APPROVE the permit application with special conditions.

MOTION

I move that the Commission approve CDP #5-99-293 pursuant to the staff recommendation.

This will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Staff recommends a YES vote.

RESOLUTION

I. APPROVAL WITH CONDITIONS

The Commission hereby GRANTS a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Conformance of Design and Construction Plans to Geotechnical Report

- A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the Engineering Geologic Report titled *Geotechnical Investigation of Slope Distress Fernleaf Ramp, Corona Del Mar, California* (Job No. 84I-200-01) by Bagahi Engineering of Newport Beach, California dated November 17, 1998. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. LOCATION OF DEBRIS DISPOSAL SITE

PRIOR TO ISSUANCE OF A COASTAL DEVELOPMENT PERMIT, the applicant shall identify in writing, for the review and approval of the Executive Director, the location of the disposal site of the demolition and construction debris resulting from the proposed project. Disposal shall occur at the approved disposal site. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

3. REVISED PLANS CONDITION

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit revised plans to the Executive Director for review and approval. The revised plans shall be prepared and signed by a licensed landscape architect and show the following changes to the project:

1. **LANDSCAPING AND IRRIGATION**

- (a) all planting shall provide 90 percent coverage in 90 days;
- (b) all required plantings will be maintained in good growing conditions through-out the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan;
- (c) Landscaped areas shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development, all landscaping shall consist of native, drought resistant plants. Invasive, non-indigenous plant species which tend to supplant native species shall not be used;
- (d) No permanent in-ground irrigation systems shall be installed on the site. Temporary above ground irrigation is allowed to establish plantings.
- B. The revised plans shall, prior to submittal to the Executive Director, be reviewed and certified by a qualified professional to ensure that they are consistent with the Commission's approval and with the recommendations of the Engineering Geologic Report titled *Geotechnical Investigation of Slope Distress Fernleaf Ramp, Corona Del Mar, California* (Job No. 84I-200-01) by Bagahi Engineering of Newport Beach, California dated November 17, 1998.
- C. The permittee shall undertake development in accordance with the approval final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. **REQUIREMENTS TO MINIMIZE VISUAL IMPACTS – COLOR AND TEXTURE PLAN**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a plan demonstrating that the color and texture of the structure will be compatible with the adjacent slope face and native vegetation. The plan shall demonstrate that:
1. the structure will be constructed with concrete that has been colored with earth tones that are compatible with the adjacent slope face and vegetation,
 2. white and black tones will not be used,
 3. the color will be maintained through-out the life of the structure, and
 4. the structure will have a non-reflective texture to match the adjacent slope face.
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**5. STORAGE OF CONSTRUCTION MATERIALS, MECHANIZED EQUIPMENT
AND REMOVAL OF CONSTRUCTION DEBRIS**

The permittee shall comply with the following construction-related requirements:

- (a) No construction materials, debris, or waste shall be placed or stored where it may be subject to storm water dispersion;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;
- (c) Temporary run-off and erosion control measures to prevent the movement of soils off site shall be used.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND LOCATION

The applicant is proposing to repair an eroding, inland slope facing upon the Fernleaf Avenue ramp and Bayside Drive at the intersection of Fernleaf Avenue and Dahlia Place in the Corona Del Mar area of the City of Newport Beach, Orange County. The project will occur in an urbanized, residential area of Corona Del Mar. Single family and multifamily residential structures exist at the top of the slope. The Fernleaf Avenue ramp and Bayside Drive are at the toe of the slope. The Fernleaf Avenue ramp provides vehicle access to the neighborhood seaward of Bayside Drive. Bayside Drive is a secondary roadway which provides access from Pacific Coast Highway to coastal recreational areas such as Bayside Drive Beach and Balboa Island (see Exhibit 1).

The existing slope in the project area is approximately 35 feet high above grade with a slope gradient that ranges from flat, at the top of the slope, to 45 degrees on the face of the slope. Seasonal storms have caused surficial slope erosion and failures of the Fernleaf slope which have deposited debris on the Fernleaf Avenue ramp. These failures threaten upslope property and have caused regular closure of the Fernleaf Avenue ramp.

The proposed project includes excavation and disposal of approximately 325 linear feet of eroded slope (1,600 cubic yards) and removal of an existing debris wall. A 325 foot long caisson wall will be constructed along the top of the slope. The slope will then be recompacted and flattened to a 1.5 (h):1 (v) slope gradient. The caisson wall will have both subsurface and above grade components. The subsurface components will extend into bedrock. The above grade exposed caisson wall surface will range in height from 3 feet to 17 feet above grade. In addition, the applicant is proposing installation of drainage devices including a v-ditch at the top of the slope linked to a subsurface drain pipe which discharges to the storm water system at the toe of the slope. A v-ditch with discharge points to the storm water system is also proposed to be installed behind the proposed debris wall at the toe of the slope. The applicant is also proposing installation of drought tolerant landscaping (see Exhibit 2).

B. GEOLOGIC HAZARDS

Section 30253 of the Coastal Act states in relevant part:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed project is necessary to protect existing upslope development as well as to prevent the closure of the Fernleaf Avenue ramp due to slope sloughage depositing on the roadway.

The subject site was graded during construction of the residences and roadways which have been in place for more than 25 years, according to the City's Mitigated Negative Declaration for the proposed project. Upslope development, including roads, alleys, and residential structures have been constructed such that drainage discharges are directed toward the Fernleaf slope.

According to the geology report titled *Geotechnical Investigation of Slope Distress Fernleaf Ramp, Corona Del Mar, California* (Job No. 84I-200-01) by Bagahi Engineering of Newport Beach, California dated November 17, 1998, the subject slope is "underlain by severely fractured and folded weathered Monterey shale and siltstone bedrock." This bedrock is overlain by approximately 7 feet of fine to medium grained sand. The geologist states that a "visual examination of the slope did not reveal signs of deep seated instability, although surficial sloughing and erosion were noted along much of the slope with accumulation of talus deposits at the toe." In addition, separation cracks were observed at the top of the slope and in concrete flatworks related to the development at the top of the slope. The geologist attributes the surficial sloughing, erosion, and separation cracks to the discharge of upslope drainage toward the Fernleaf slope. These discharges infiltrate and overtop the slope causing the observed instability. If left uncorrected, the sloughing and erosion would continue resulting in ongoing damage to upslope structures and downslope roadways.

In order to correct the sloughing and erosion and to prevent downslope creep that threatens development at the top of the slope, the geologist has recommended flattening the slope to 1.5(h):1(v). In order to achieve the flatter slope without encroaching off-site into upslope property and downslope roadways, it is necessary to install a retaining wall at the top of the slope and a debris wall at the toe of the slope. In order to achieve the required slope gradient of 1.5(h):1(v), the caisson wall will be exposed at points ranging between 3 to 17 feet above grade. Drainage devices will be installed behind the retaining wall to direct upslope drainage to storm drains at the toe of the slope.

The geologist has provided recommendations regarding the caisson design and debris wall, drainage systems, erosion control, the safety of temporary excavations, slope maintenance

and irrigation. In order to ensure that construction of the proposed development does not adversely affect adjacent properties, minimize risks to life and property in areas geologic hazard areas, and to assure stability and structural integrity, the Commission imposes Special Condition 1, which requires the applicant to submit, prior to issuance of the permit, final design and construction plans, including foundations, grading and drainage plans with evidence that such plans have been reviewed by an appropriately licensed professional and found to be in conformity with the recommendations of the geology report titled *Geotechnical Investigation of Slope Distress Fernleaf Ramp, Corona Del Mar, California* (Job No. 84I-200-01) by Bagahi Engineering of Newport Beach, California dated November 17, 1998.

The proposed project includes the excavation and disposal of 1,600 cubic yards of soils. The applicant has stated that they are unable to identify the location where soils will be disposed because they have not yet obtained a contractor, who will be responsible for arranging the disposal. Soils disposal within the coastal zone is development and requires a coastal development permit. Therefore, the Commission imposes Special Condition 2, which requires the applicant to identify the location of soils disposal prior to issuance of the coastal development permit.

In addition, the applicant has submitted a landscape and irrigation plan. The landscape and irrigation plans indicate that a temporary irrigation system will be installed. However, the temporary irrigation equipment will apparently be placed subsurface and there is no indication of how long the temporary irrigation system will be in place. Irrigation equipment can leak, and such leaks can go undetected if the equipment is placed subsurface. Also, the plans submitted indicate that some non-native, non-drought tolerant plant species will be installed. The presence of non-drought tolerant plant species will require continued irrigation. The applicant has indicated that the problems related to sloughing and erosion on the slope are due to slope saturation and that over-irrigation of the slope could cause additional slope damage. Therefore, the Commission imposes Special Condition 3 which requires the applicant to submit revised landscape and irrigation plans showing that native, drought tolerant landscaping will be used in all instances. In addition, only temporary irrigation may be placed long enough to establish the plantings. The length of time the temporary irrigation will be in place shall be specified on the plans. As conditioned, the Commission finds the proposed development conforms with Section 30253 of the Coastal Act.

C. VISUAL IMPACTS

Section 30251 of the Coastal Act states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

The proposed development site is visible by pedestrians and motorists using Bayside Drive to access coastal recreational areas. The proposed project includes the installation of a retaining wall that will be 3 feet to 17 feet high above grade. This structure will occur in an area visible from public viewing areas. The proposed development will increase the visual mass of

structures on the slope which would result in negative impacts to visual resources. Without appropriate masking, the proposed retaining wall would not be subordinate to the character of its setting.

The applicant has indicated an intention to reduce the visual impact of the proposed wall through colorization and vegetation. However, plans submitted do not demonstrate any proposed colorization or other aesthetic treatment. Therefore, the Commission imposes Special Condition 4 which requires the applicant to submit plans that show that the proposed structures shall be constructed of materials designed to blend with the color and texture of the existing slope face and any native vegetation planted as required under Special Condition 3. As conditioned, the Commission finds that the proposed development is consistent with Section 30251 of the Coastal Act to protect scenic quality in the area.

D. PUBLIC ACCESS

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Sections 30210 and 30211 of the Coastal Act require that new development provide maximum public access and recreation and avoid interference with the public's right of acquired access.

The applicant has stated that the proposed development will require approximately two months for construction. Construction is expected to begin during the fall and winter of this year. Construction will require the temporary closure of the Fernleaf Avenue ramp, between Bayside Drive and Seaview Avenue. An alternate route, via Marguerite Avenue, will provide access to the same area serviced by Fernleaf Avenue. In addition, the applicant has stated that the project will not result in any closure of Bayside Drive nor will the project interfere with the circulation of pedestrians or bicycle traffic in the area.

As proposed the development will not interfere with existing public access in the area and will not create adverse impacts on coastal access and recreation. Therefore, the Commission finds that the proposed development does not pose significant adverse impacts on existing public access and recreation and is consistent with Section 30210 and 30211 of the Coastal Act.

E. WATER QUALITY

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed development involves the excavation of 1,600 cubic yards of soil and recompaction of the slope at a 1.5 (h):1(v) grade. In addition, the development is proposed to occur during the fall and winter, in order to reduce any impacts upon public access due to construction during the peak beach visitation season.

Storm water discharges can cause erosion on the slopes denuded by the proposed construction. Soils eroded from the site would enter the storm water system which discharges to Newport Bay. Such soils would cause turbidity in the water column with subsequent shading impacts to light sensitive marine life and interference with foraging species ability to see food in the water column. Therefore, the Commission imposes Special Condition 5 requiring the applicant to utilize best management practices to avoid the dispersal of soils off site. In addition, the Commission imposes Special Condition 3 which requires the applicant to submit revised landscape and irrigation plans which show that plantings shall provide 90 percent coverage in 90 days and that landscaped areas shall be planted and maintained for erosion control purposes. As conditioned, the Commission finds the proposed development is consistent with Section 30231 of the Coastal Act.

F. LOCAL COASTAL PROGRAM

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act.

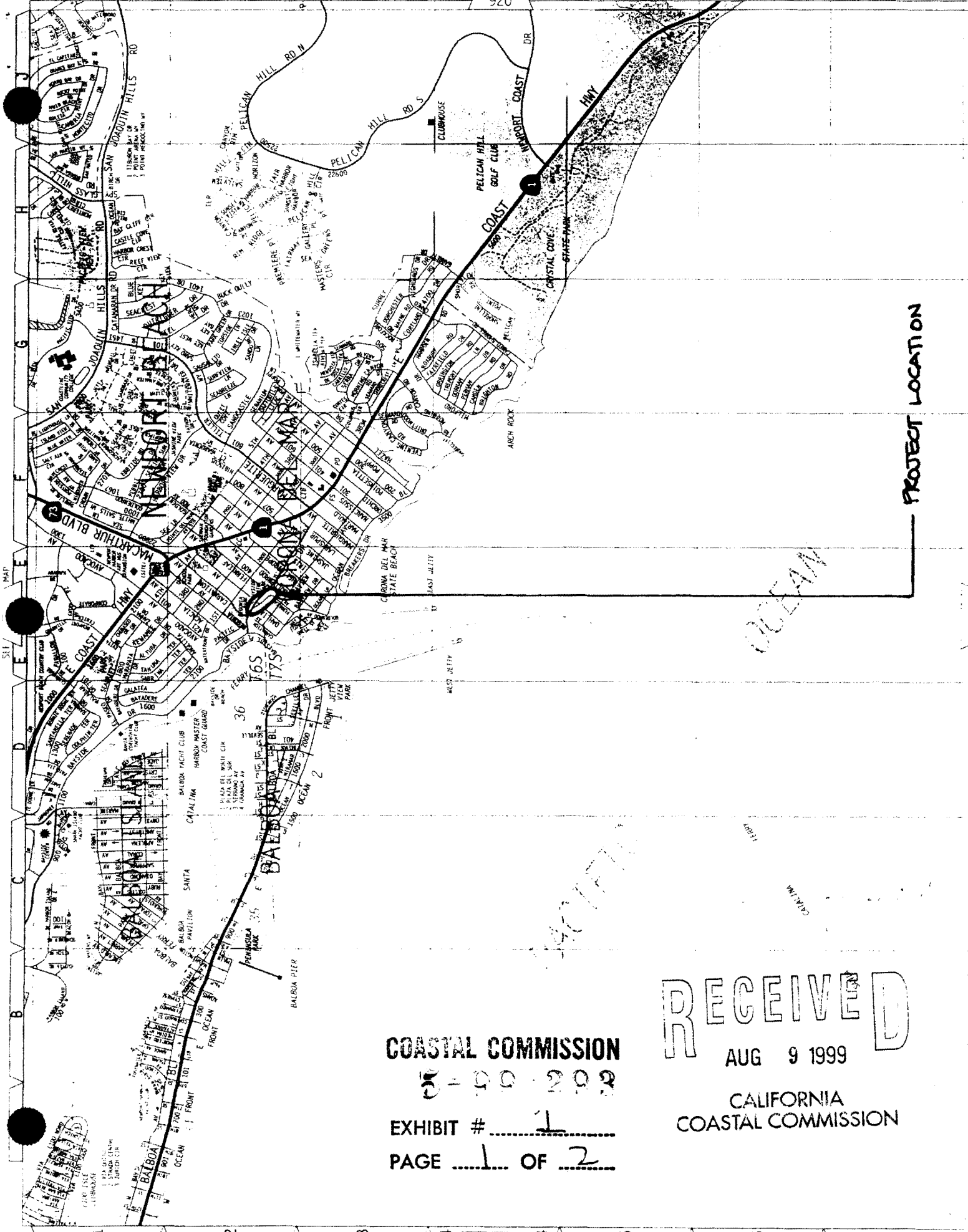
The Commission certified the Land Use Plan for the City of Newport Beach on May 19, 1982. As conditioned, the proposed development is consistent with the policies contained in the certified Land Use Plan and with the Chapter 3 policies of the Coastal Act. Therefore, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements

of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned for consistency with the geologic hazard, visual quality, and water quality protection policies of the Coastal Act. Mitigation measures, in the form of special conditions require 1) conformance with geotechnical recommendations, 2) identification of the location of a debris disposal site, 3) revised landscape and irrigation plans, 4) adherence to a color and texture plan to reduce visual impacts, and 5) use of construction best management practices will minimize all adverse effects. The proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. There are no feasible alternatives or mitigation measures available which will lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.



PROJECT LOCATION

OCEAN

COASTAL COMMISSION

2000-2002

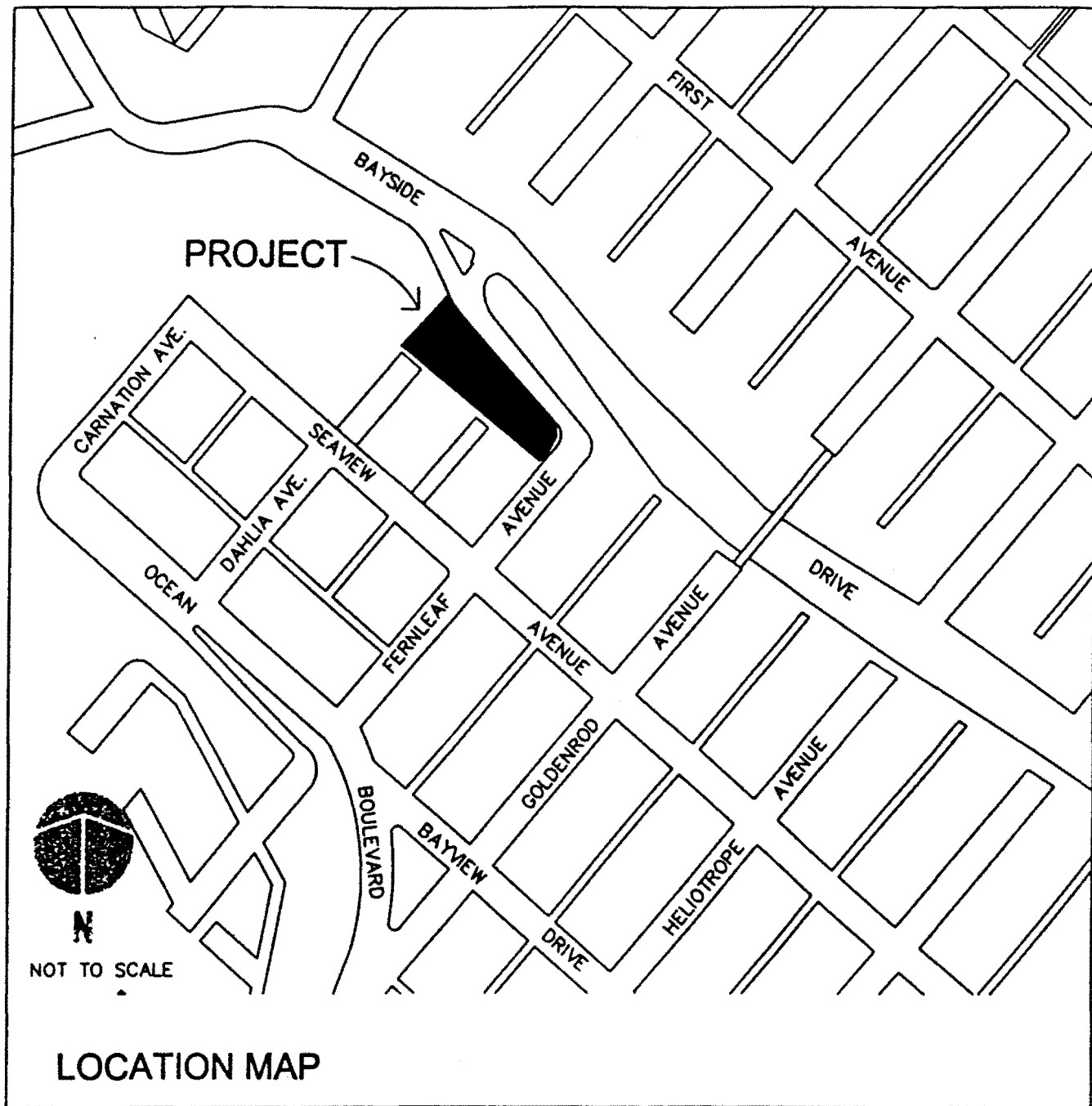
EXHIBIT # 1

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LOCATION MAP

DAHLIA AVENUE STREET END SLOPE REPAIR
AT FERNLEAF RAMP

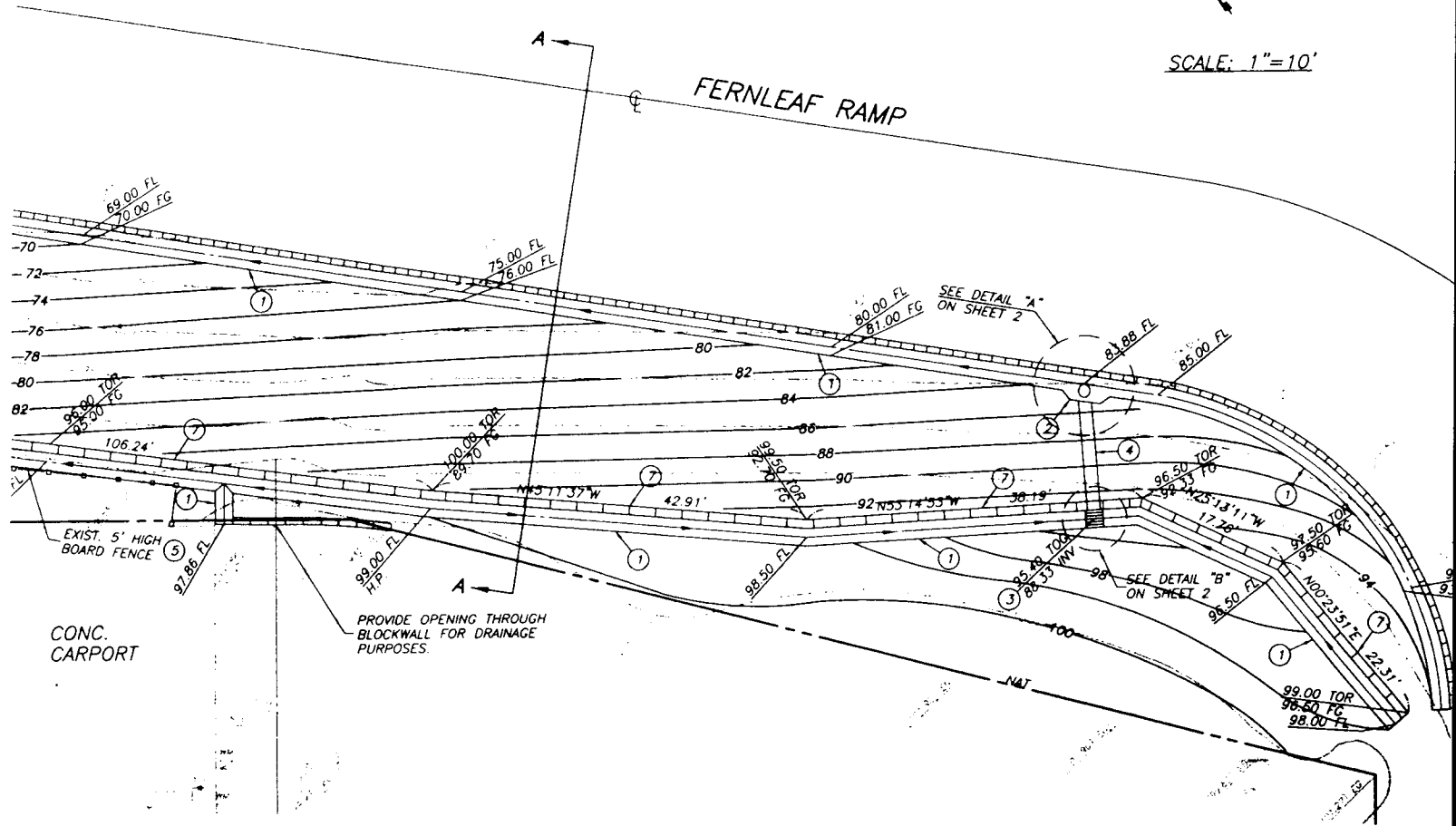
COASTAL COMMISSION

5-99-233

EXHIBIT # 1

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SCALE: 1"=10'

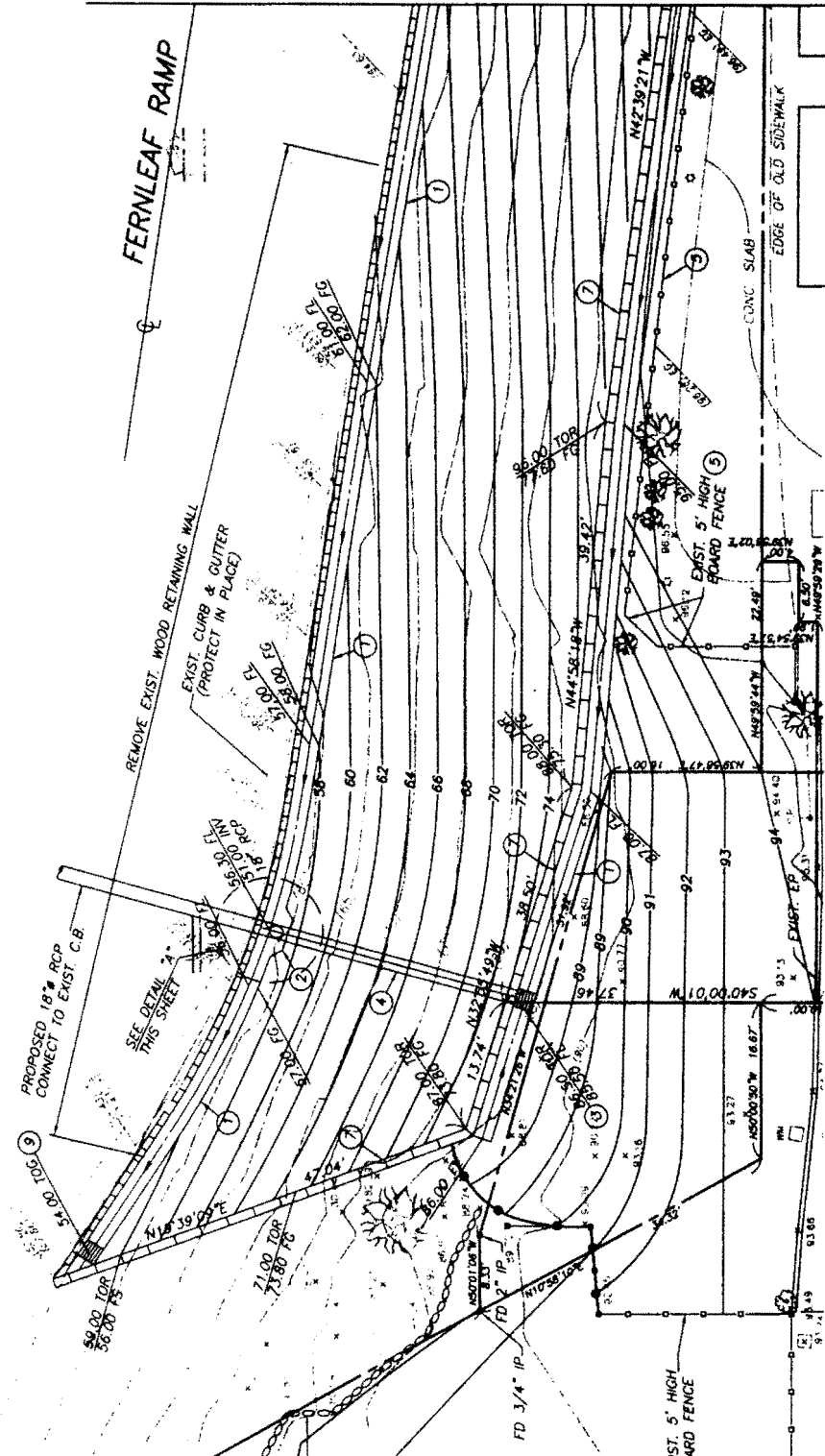


COASTAL COMMISSION

595-2933

EXHIBIT # 2

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COASTAL COMMISSION

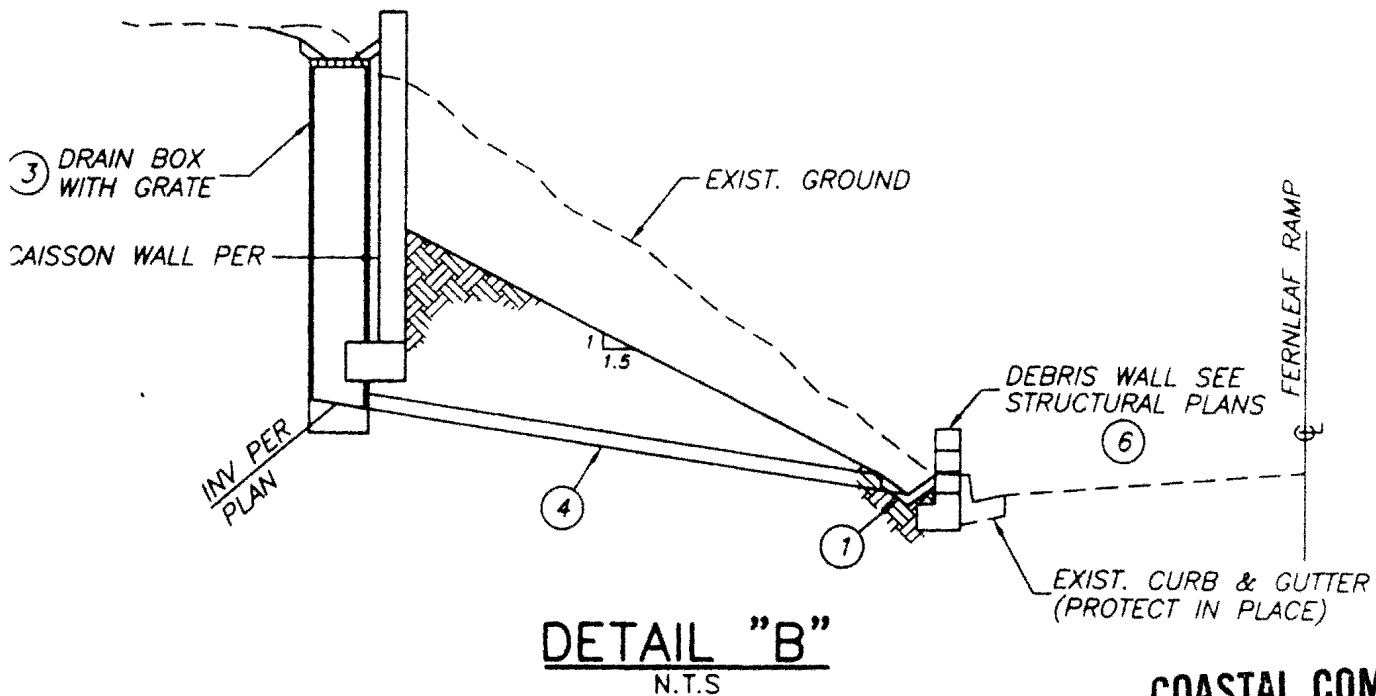
5-88-208

EXHIBIT # 2

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CONSTRUCTION NOTES.

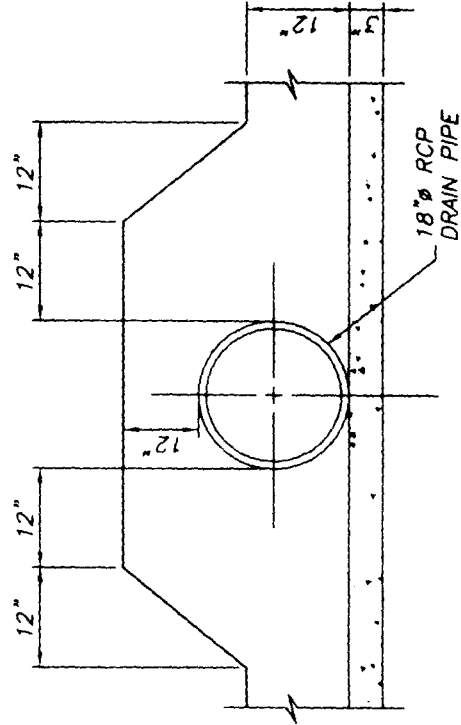
- ① CONSTRUCT 2' WIDE CONC. SWALE PER DETAIL SHEET 3.
- ② CONSTRUCT CONC. SWALE TRANSITION PER DETAIL THIS SHEET
- ③ CONSTRUCT DRAIN BOX AND GRATE
- ④ CONSTRUCT 18"Ø REINFORCED CONC. PIPE (100D), PIPE ANCHORS IN SLOPE PER CITY STD. PLAN 314-L.
- ⑤ REMOVE AND REPLACE EXIST. 5' HIGH BOARD FENCE
INSTALL TEMPORARY FENCING DURING CONSTRUCTION.
- ⑥ CONSTRUCT DEBRIS WALL PER DETAIL SHEET 6 OR SHEET 9.
- ⑦ CONSTRUCT CAISSON WALL, ALTERNATE "A" PER DETAIL SHEETS 4 THRU. 6 AND ALTERNATE "B" PER DETAIL SHEETS 7 THRU. 9.
- ⑧ CONSTRUCT AC CURB PER CITY STD. PLAN 183-L.
- ⑨ CONSTRUCT PARKWAY CULVERT TYPE "A" PER CITY STD. PLAN 317-L, S=3'.



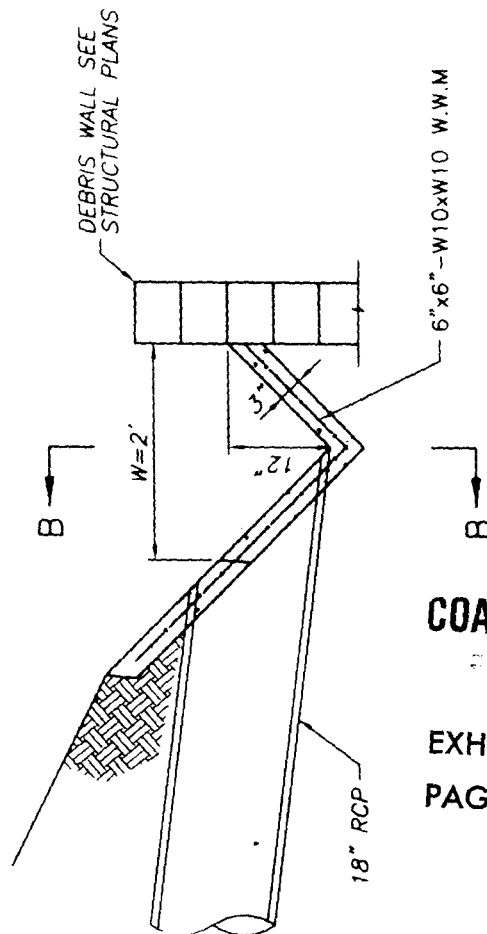
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N.T.S.



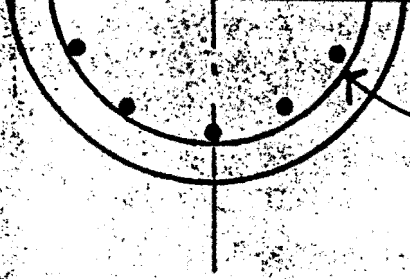
SECTION B-B



DETAIL "A"
N.T.S.

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#3 SPIRAL
FULL HT.
PITCH = 3"

CONC. PILE SECTION

6

MAINTAIN & PROTECT (E) CURBS &
GUTTER - VERIFY PRO. ALIGNMENT

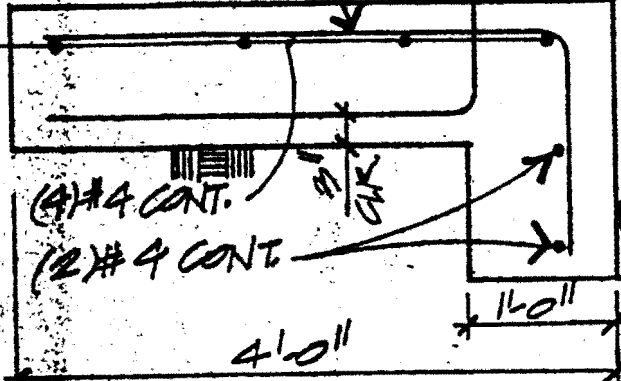
GRID CAP

8" CMU OVER GRID CAP
#3 @ 16" O/C VERT.
#4 @ 22" O/C HORIZ.

DRAINAGE V-DITCH
PER CML DWGS.

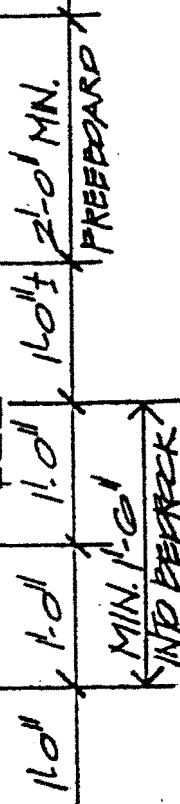
WATER FROM THIS
GRADE B.L.W. GRADE

#4 @ 10" O/C



(1) #4 CONT.
(2) #4 CONT.

FOUR SURFACE TIGHT
AGAINST BEDROCK



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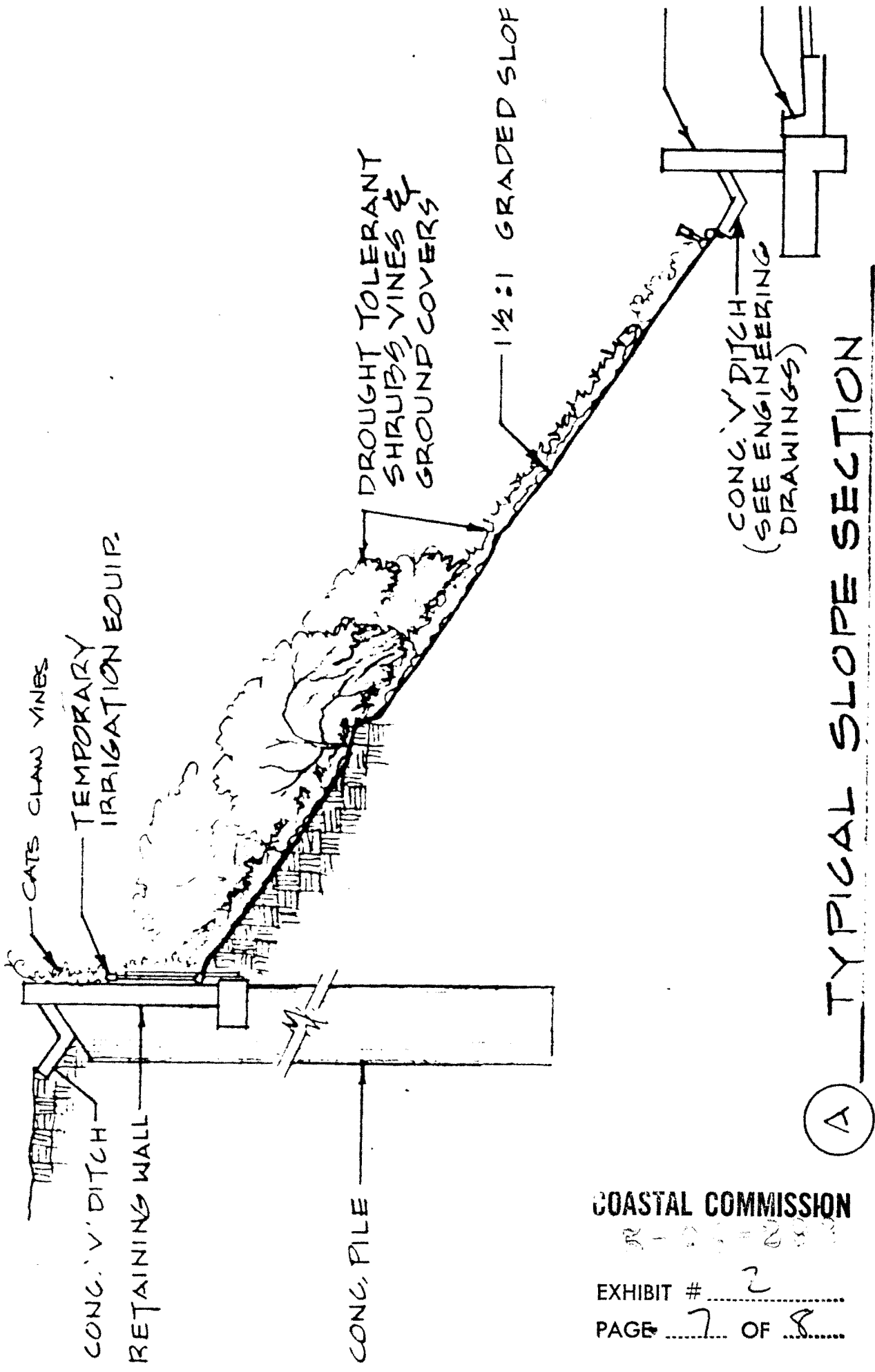
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DEBRIS WALL SECTION

10



A TYPICAL SLOPE SECTION

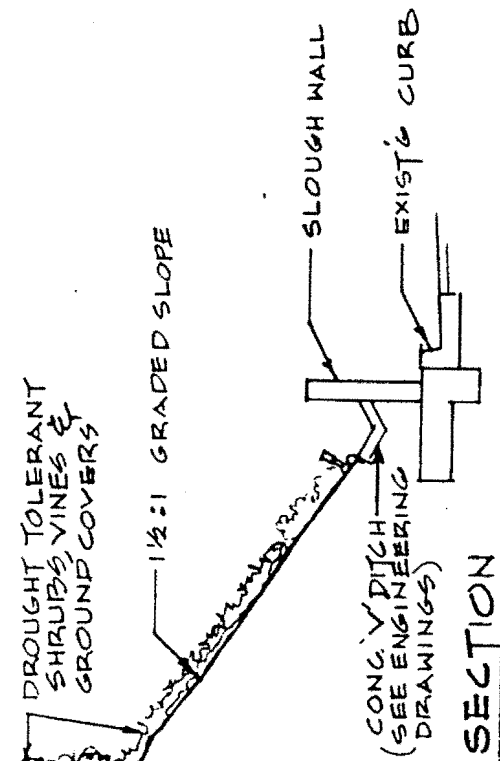
BAYSIDE DRIVE

COASTAL COMMISSION

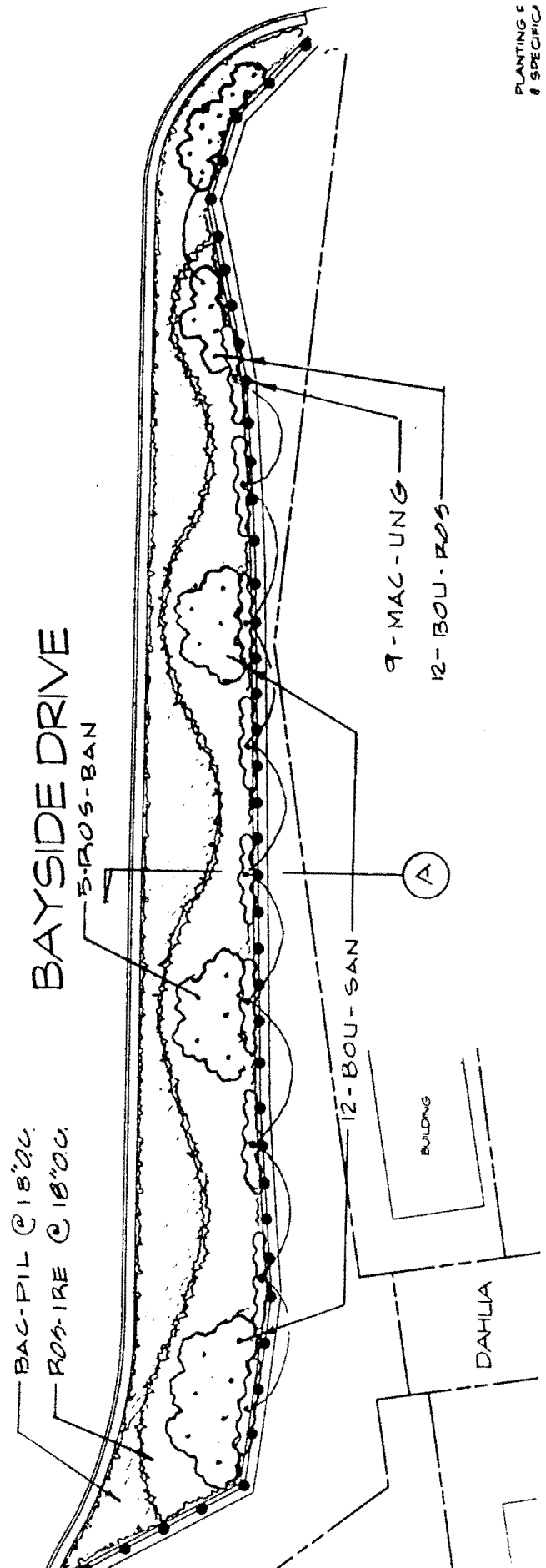
8-25-2000

EXHIBIT # 2
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PIL @ 18" O.C.
RE @ 18" O.C.



(A) TYPICAL SLOPE SECTION



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EXHIBIT # 2

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PLANTING & SPECIFIC